

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1218644-0

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FBI to Rand Paul: Domestic

Trending Topics: [Drone surveillance](#) [Republican civil war?](#) [Obamacare](#)

drone surveillance doesn't require a warrant

This Week's Magazine July 31, 2013

By [JOEL GEHRKE](#) | JULY 29, 2013 AT 5:55 PM
[160Comments](#)

[17](#) [190](#)
TOPICS: [ANALYSIS](#) [BELTWAY](#) [CONFIDENTIAL](#)

☒ Photo - "[T]he
FBI does not,
and has no
plans to use
[unmanned

"[T]he FBI does not, and has no plans to use [unmanned aerial vehicles] to conduct general...

Drone surveillance in the United States does not require a warrant, but the practice remains limited, the FBI told Sen. [Rand Paul](#), R-Ky., in a letter after he placed a hold on James Comey's nomination to be the new [FBI](#) director.

"[T]he FBI does not, and has no plans to use [unmanned aerial vehicles] to conduct general surveillance not related to a specific investigation or assessment," Stephan Kelly, the assistant director at the FBI's Office of Congressional Affairs, wrote Paul.

Kelly said that UAVs, or [drones](#), have only been used for surveillance in the United States 10 times since 2006, in cases related to "kidnappings, search and rescue operations, drug interdictions, and fugitive investigations."

Extant Supreme Court rulings suggest that such surveillance does not qualify as a "search" for purposes of the Fourth Amendment, Kelly added, and so does not require a warrant.

[Redacted]

b5
b6
b7C
b7E

From: LAMBERT, JANICE J (FD)(FBI)
Sent: Tuesday, January 22, 2013 9:10 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI);
[Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (FBI); [Redacted]
[Redacted] (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (FBI);
[Redacted] (FBI); BEAN, W L SCOTT III (WF) (FBI); HESS, AMY S (OTD)(FBI)
Cc: INGBER, LAURA R (INSD) (FBI); [Redacted] (INSD)(FBI); [Redacted] (INSD) (FBI); [Redacted]
[Redacted] (OGC)(FBI)
Subject: RE: revised version of the responses to the DOJ OIG request regarding the FBI's use of UAVs --- ~~SECRET~~

Classification: ~~SECRET~~

Classified By: C42W79B71
Derived From: ~~FBI~~ NSISC-20090615
Declassify On: 20381231

I have a few additional changes and comments I hope to send before noon

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Friday, January 18, 2013 6:30 PM
To: [Redacted] (OGC) (FBI); [Redacted] (OGC)(FBI); [Redacted] (OTD) (FBI); [Redacted]
[Redacted] (OTD) (FBI); [Redacted] (FBI); [Redacted] (FBI); [Redacted] (OGC) (FBI);
[Redacted] (OGC) (FBI); [Redacted] (FBI); [Redacted] (FBI); [Redacted]
[Redacted] (FBI); BEAN, W L SCOTT III (WF) (FBI); HESS, AMY S (OTD)(FBI)
Cc: INGBER, LAURA R (INSD) (FBI); [Redacted] (INSD)(FBI); [Redacted] (INSD) (FBI); [Redacted]
[Redacted] (OGC)(FBI)
Subject: RE: revised version of the responses to the DOJ OIG request regarding the FBI's use of UAVs --- ~~SECRET~~

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Classification: ~~SECRET~~

Classified By: J48J28T95
Derived From: ~~FBI~~ NSISC-20090615
Declassify On: 20381231

Attached is the revised document from OTD which addresses each of the identified comments (to include a response in the comment box) and includes portion marking for each paragraph.

Please advise whether there are any further comments/suggested edits.

Regards,

Anthony P. DiClemente
Deputy Assistant Director
Operational Technology Division
[Redacted] Office

b6
b7C

[REDACTED]

From: Hess, Amy S.
Sent: Friday, July 26, 2013 7:36 PM
To: Bean, W.L. Scott; DiClemente, Anthony P.; [REDACTED]
Cc: [REDACTED]
Subject: CNN Political Ticker

b6
b7c

Not unexpected. Sen. Paul provided our response letter to the press.

<http://politicalticker.blogs.cnn.com/2013/07/26/paul-continues-to-hold-fbi-director-nomination/>

[REDACTED]

From: Bean, W L Scott
Sent: Friday, July 26, 2013 7:44 PM
To: Hess, Amy S.; DiClemente, Anthony P.; [REDACTED]
Cc: [REDACTED]
Subject: Re: CNN Political Ticker

b6
b7C

Not surprising, but I don't like holding up the new Director's nomination.

Scott
W.L. Scott Bean, III
Chief, Technical Surveillance Section
Operational Technology Division
Desk - 703-985-6456
Cell - [REDACTED]

----- Original Message -----

From: Hess, Amy S.
To: Bean, W L Scott; DiClemente, Anthony P.; [REDACTED]
Cc: [REDACTED]
Sent: Fri Jul 26 19:35:39 2013
Subject: CNN Political Ticker

Not unexpected. Sen. Paul provided our response letter to the press.

<http://politicalticker.blogs.cnn.com/2013/07/26/paul-continues-to-hold-fbi-director-nomination/>

[redacted] (OGC)(FBI); [redacted] (FBI); [redacted] (FBI)

Subject: RE: revised version of the responses to the DOJ OIG request regarding the FBI's use of UAVs --- ~~SECRET~~

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Classification: ~~SECRET~~

Classified By: C42W79B71

Derived From: FBI NSISC-20090615

Declassify On: 20381231

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I accepted the changes in the earlier version DAD DiClemente provided on Friday and added a few additional changes plus several comments that need further attention.

<< File: FBI Response to DOJ OIG UAV Doc Req 1-18-13 version 6.docx >>

PS for updating the response on useful life under #34, I only have the F#s of the UAVs and useful life (see below); OTD would need to cross reference them with the UAV type and update the chart to reflect the correct depreciation range. Also, see note on discrepancy for the number of UAVs listed under the response to Q3. The inventory records indicate we have [redacted] however, the current response identifies only [redacted]

[redacted]
In addition, the actual useful life listed on the property records is [redacted] however OTD lists the list the useful life from [redacted]

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